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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/860,182 06/22/97 DJIEN GO

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PFAHLGRABENSTR. 45
D-65510 IDSTEIN
FED REP GERMANY

PM82/0831

EXAMINER

MORROW, J

ART UNIT

PAPER NUMBER

AIR MAIL

3612

DATE MAILED:

19
08/31/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/860,182

Applicant(s)
Go

Examiner
Jason Morrow

Group Art Unit
3612



☒ Responsive to communication(s) filed on Jan 14, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-34 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 2, 9-27, 33, and 34 is/are rejected.

☒ Claim(s) 3-8 and 28-32 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☒ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: PCT/DE 96/02120

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. Figures 1A, 1B, 2, 2A, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 18 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). The designations should NOT include the German equivalent label to "Prior Art".

Specification

3. The abstract of the disclosure is objected to because it is not narrative in nature and it refers to the speculative merits of the invention. Correction is required. See MPEP § 608.01(b).
4. Applicant is advised on how to arrange the content of the specification.

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a). The title of the invention should be placed at the top of the first page of the specification. It should be brief but technically accurate and descriptive, preferably from two to seven words.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.

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- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Reference to a "Microfiche Appendix": See 37CFR 1.96© and MPEP § 608.05. The total number of microfiche and the total number frames should be specified.
- (e) Background of the Invention: The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (f) Brief Summary of the Invention: A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (g) Brief Description of the Several Views of the Drawing(s): A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. This item may also be titled "Best Mode for Carrying Out the Invention." Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention

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described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

- (I) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet. (37 CFR 1.52(b)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps.
- (j) Abstract of the Disclosure: A brief narrative of the disclosure as a whole in a single paragraph of 250 words or less on a separate sheet following the claims.
- (k) Drawings: See 37 CFR 1.81, 1.83-1.85, and MPEP § 608.02.
- (l) Sequence Listing: See 37 CFR 1.821-1.825.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of 37 CFR 1.71(a)-(c):

- (a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.
- (b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.

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© In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

The specification is objected to under 37 CFR 1.71 because it fails to provide an adequate description of the invention. The *Description of the Preferred Embodiments* should include more than a simple listing of the parts present in each embodiment. This section should also point out the how the parts of the invention function during use. *See the cited U.S. patents as examples of disclosures with correct form.*

6. If applicant continues to prosecute the application, revision of the specification and claims to present the application in proper form is required. While an application can be amended to make it clearly understandable, no subject matter can be added that was not disclosed in the application as originally filed.

Claim Objections

7. The claims are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

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Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following terms or phrases are inferentially recited in the claims:

In claim 1:

-line 6, the “supporting door frame”.

-line 14, the “compound assemblies”.

In claim 2:

-lines 1 and 2, the “ vehicle part of vehicle body”.

-line 3, the “post sections”.

In claim 3:

-line 2 of claim 3, the “vehicle part”.

In claim 4:

-line 2, the “vehicle part”.

In claim 6:

-line 3, the “interlocking holes”.

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-line 3, "both window-guide elements" and both "vehicle doors". Only one door and window guide element is positively recited.

-line 5, the "U-shaped block".

-line 6, the "mutual post section".

In claim 7:

-line 3, the "interlocking holes".

-line 3, "both window-guide elements" and both "vehicle doors". Only one door and window guide element is positively recited.

-line 5, the "U-shaped block".

-line 7, the "side rail".

In claim 8:

-line 2, the "U-shaped block".

In claim 9:

-line 2, the "interlocking holes & interlocking blocks"

-line 3, the "post section".

-

In claim 10:

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-lines 5 and 6, the “post section”.

-line 6, the “reinforcing panel”.

-line 7, the “side rail”.

In claims 12 and 13:

-line 3, “interlocking holes”.

-line 3, the “reinforcing panels”.

-line 5, the “interlocking mating blocks”.

In claim 14:

-line 3, the “interlocking blocks”.

-line 3, the “reinforcing peripheral edges”.

-line 5, the “interlocking mating holes”.

In claim 15:

-line 3, the “interlocking block”.

-line 4, the “top peripheral edge”.

-line 5, the “interlocking mating holes”.

In claim 16:

-line 4, the “bottom peripheral edge”.

-line 3, the “interlocking block”.

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In claim 17:

- line 3, the “interlocking block”.
- lines 3 and 4, the “post-section peripheral edge”.
- line 5, the “interlocking mating hole”.
- line 5, the “auxiliary part”.

In claim 19:

- line 3, the “interlocking block”.
- line 4, the “post-section peripheral edge”.
- line 5, the “interlocking mating hole”.
- line 5, the “outer door-contour-shaped auxiliary part”.

In claim 20:

- line 5, the “post section”.

In claim 21:

- line 2, the “post section”.
- line 4, the “interlocking blocks”.
- lines 4 and 5, the “reinforcing element”.
- line 5, the “latch mechanism”.

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-line 6, the “interlocking mating holes”.

-line 7, the “post section”.

In claim 22:

-line 3, the “interlocking block”.

-line 4, the “interlocking mating hole”.

-lines 4 and 5, the “reinforcing element”.

-line 5, the “striker”.

-line 5, the “latch mechanism”.

In claim 23:

-line 3, “the interlocking block”.

-line 5, the “interlocking mating hole”.

-line 5, the “post section”.

-lines 5 and 6, the “reinforcing element”.

-line 6, the “striker”.

-line 6, the “latch mechanism”.

In claim 24:

-line 2, the “U-shaped window-guide element”.

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In claim 25:

-line 2, the “U-shaped window-guide elements”.

In claim 26:

-lines 2 and 3, the “window-guides”.

In claim 27:

-lines 1 and 2, the “window guides”.

In claim 28:

-line 4, the “interlocking hook”.

-line 5, the “interlocking block”.

In claim 29:

-line 2, the “washer”.

In claim 30:

-line 2, the “screw”.

In claim 31:

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-line 2, the "screw".

In claim 32:

-line 1, the "sleeve".

In claim 33:

-line 5, the "supporting door frame".

-line 14, the "compound assembly".

In claim 34:

-lines 3 and 4, the "reinforcing element, transverse girder, reinforcing rod, plate, panel, and U-shaped block.

In claim 1, the phrase "generally representing a tailgate, sliding side, cargo, liftgate door, trunk cover and vehicle door" is indefinite. The phrase seems to claim the vehicle door to represent all of the listed structures at the same time. It is suggested that the word "and" should be changed to --or--.

In claim 1 the phrase "arranged to that door frame" in lines 9 and 10 is indefinite for failing to particularly point out the relationship between the interlocking parts and the door frame.

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In claim 1 line 10, the phrase “interlocking mating part to the vehicle body” is indefinite for failing to particularly point out the structural relationship between the interlocking mating part and the vehicle body.

In claim 1 line 12, the phrase “mechanisms to adjust to clearances of adjustable interlocking assemblies” is indefinite for failing to particularly point out what clearance between what parts is adjustable.

In claim 1, lines 13-17, the phrase “thus ensuring the engagement of all.....in the event of any real collision and/or rollover” is narrative in nature and fails to distinctly point out the structure of the invention.

In claim 2, lines 2 and 3, the phrase “reinforced by a reinforcing element and transverse girder” fails to distinctly claim the structural relationship between the vehicle part, reinforcing element, and the transverse girder.

In claims 3 and 4, line 2, the phrase “vehicle roof or siderail” is indefinite and fails to distinctly claim if the vehicle part is a roof or side rail. These vehicle parts are not interchangeable, and thus cannot be referred to in the alternative.

In claims 3 and 4, line 4 the phrase “disposed along that vehicle part” is indefinite and fails to distinctly claim the relationship between the reinforcing rod and the vehicle part.

In claim 5, line 4 the phrase “disposed along” is indefinite and fails to distinctly claim the relationship between the reinforcing rods and the vehicle roof and side rail.

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In claims 6 and 7, lines 7 and 8, the phrase “transverse girder of the mutual post sections” fails to distinctly claim the structural relationship between the girder and the post section.

In claim 9 lines 3, the phrase “defined by disposing” does not distinctly claim the structural relationship between the structures in the claim.

In claim 10, lines 5 and 6, the phrase “reinforcing plate of the post section” indefinite and fails to distinctly claim the relationship between the reinforcing plate and the post section.

In claims 10 and 11 the phrase “disposed along the vehicle roof or side rail” is indefinite for failing to particularly point out the relationship between the reinforcing plate and the vehicle roof or side rail. It also is indefinite for failing to claim either the roof or side rail.

In claim 11, the use of the word “or” in line 7 renders the claim indefinite because it attempts to claim 2 different structures in one claim.

In claims 12, 13, 14, 15, and 21, the use of the word “disposed” renders the claim indefinite, as in the examples provided above.

In claim 16, line 5, the phrase “arranged in the auxiliary part” is indefinite and fails to distinctly claim the relationship between the interlocking mating hole and the auxiliary part.

In claim 18 lines 2 and 3, the phrase “adapted to the outer door-contour” and the phrase arranged to the window-guide” are indefinite and fail to distinctly claim the relationship between the auxiliary part and the window-guide element and impact beams.

In claims 20, 22, and 23 the phrase “arranged in the post section” is indefinite and fails to distinctly claim the relationship between the post section and the interlocking mating hole.

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In claim 28, the phrase “with interior diameter d1 and gap s1” is indefinite since the shape of the interlocking hook is not positively recited.

In claim 32, the phrase “interlocking part with exterior diameter d” is indefinite since the shape of the interlocking part is not positively recited.

In claim 33, the phrase “generally representing a tailgate, sliding side, cargo, liftgate, and vehicle door” is indefinite. The phrase seems to claim the vehicle door to represent all of the listed structures at the same time. It is suggested that the word “and” should be changed to --or--

In claim 33 the phrase “arranged to that door frame” in line 10 is indefinite for failing to particularly point out the relationship between the interlocking parts and the door frame.

In claim 33 line 11, the phrase “interlocking mating part to the vehicle body” is indefinite for failing to particularly point out the structural relationship between the interlocking mating part and the vehicle body.

In claim 33 line 12, the phrase “mechanisms to adjust to clearances of adjustable interlocking assemblies” is indefinite for failing to particularly point out what clearance between what parts is adjustable.

In claim 33, lines 14-21, the phrase “wherein the interlockingin the event of any real collision and/or rollover” is narrative in nature and fails to distinctly point out the structure of the invention.

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Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

11. Claims 1, 2, 9-27, 33, and 34 are rejected, as best understood, under 35 U.S.C. 102(e) as being anticipated by Townsend.

Townsend discloses a main vehicle body having at least one door aperture therein, a mating vehicle door (110) whose stiff supporting door frame, defined by at least two stiff impact beams stiff auxiliary parts and at least one stiff window guide element to guide and receive a window pane (figure 2) is hingedly secured to that vehicle body for pivotal movement between an open and a closed position. Interlocking assemblies (130, 138, 140, 134, 132, 128) are included, each of which include an interlocking part arranged to the door frame and an interlocking mating part to the vehicle body. Adjusting mechanisms to adjust clearances (lines 38-59, column 10) of interlocking assemblies which are in engagement when the vehicle door is in a closed position. pairs including a vehicle door and vehicle roof, a vehicle door and a side rail, a vehicle door and post section, a vehicle door and a vehicle door, and a vehicle door and a passenger compartment.

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Allowable Subject Matter

12. Claims 3-8 and 28-32 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

13. Claims 3-8 and 28-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

14. This is a CPA of applicant's earlier Application No. 08/860,182. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. *An examination of this application reveals that applicant is unfamiliar with patent prosecuting procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution. The Office cannot aid in selecting an attorney or agent.*

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Morrow whose telephone number is (703) 305-7803. The examiner can normally be reached on Monday-Thursday from 7:30 AM to 5:00 PM.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

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jsm

August 30, 1998


JASON MORROW
PATENT EXAMINER

 8/30/98

D. GLENN DAYOAN
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